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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/535,194	TOMITA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	BRYAN WRIGHT	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 May 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 21-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 21-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 5/18/2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/2/2005, 6/30/2005, 5/18/2005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. This action is in response to the original filing of May 18, 2005. Claims (21-40) are pending and have been considered below.

***Priority***

2. Applicant's claim for benefit of foreign priority under 35 U.S.C. 119 (a) - (d) is acknowledged.

The application is filed on May 18, 2005 but is a 371 case of PCT/JP03/14557 application filed 11/17/2003 and has a foreign priority application filed on 11/19/2002.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-32, and 34-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Huddelstone et al. (US Patent Publication No. 2004006541 and Huddelstone hereinafter).

4. As to claim 21, Huddelston teaches a **content distribution system comprising an information distribution device, a manufacturer terminal and a content receiving device which are connectable with one another via a communications line** [fig. 2], **where:**

**the information distribution device includes an encryption distribution means for encrypting and distributing a content** (i.e., ... teaches receives information assembled into a message which is then encrypted [0052]);

**the content receiving device includes a product purchase information input means for accepting an input of product purchase information** [0046];

**and a product purchase information sending means for sending the received product purchase information to the manufacturer terminal** (i.e., ... teaches a product purchase send [0052]);

**the manufacturer terminal includes a product purchase information receiving means for receiving the sent product purchase information** (i.e., ... teaches a receiving product purchase information [0052]);

**and a decryption key delivery means which includes a first memory for storing a decryption key** (i.e., ... teaches delivering a decryption key ([0049] lines 41-47) , **and which, upon receiving the product purchase information** [0052], **reads the decryption key from the first memory and delivers it to the content receiving device** [0049], **the content receiving device includes a decryption key receiving means for receiving the decryption key delivered by the manufacturer terminal** (i.e., ... teaches delivering a decryption key ([0049] lines 41-47)

**a decryption key storage means having a second memory, and adapted for storing the received decryption key in the second memory** (i.e., ... teaches a stored decryption key [0048]);

**an input means for accepting an operation which enables use of the decryption key stored in the second memory** (i.e., ... teaches receiving content and caching content [par. 48, lines 1-5]);

**and a decryption key sending means which, upon receiving the operation from the input means, reads the decryption key from the second memory and sends it to the information distribution device** (i.e., ... teaches using stored decryption key [par. 48 , lines 5-10]);

**the information distribution device further includes a decryption means which receives the decryption key sent from the decryption key sending means and uses the received decryption key to decrypt the content distributed by the encryption distribution means** (i.e., ... teaches a decryption key being sent [par. 49, lines 41-47] .... Further teaches decryption key used to decrypt content [par. 48, lines 3-11]);

**the content receiving means further includes a content receiving means for receiving the content sent by the encryption distribution means** (i.e., ... teaches receives information assembled into a message which is then encrypted [0052]);

**and an audiovisual means for reproducing the content received by the content receiving means** (i.e., .. teaches audio or video broadcasting such that content is render a television [0055]).

5. As to claim 22, Huddelston teaches a **content distribution system comprising an information distribution device, a manufacturer terminal and a content receiving device which are connectable with one another via a communications line** [fig. 2], where:

**the information distribution device includes an encryption distribution means for encrypting and distributing a content** (i.e., ... teaches receives information assembled into a message which is then encrypted [0052]);

**the content receiving device includes a product purchase information input means for accepting an input of product purchase information** [0046];

**and a product purchase information sending means for sending the received product purchase information to the manufacturer terminal** (i.e., teaches sending product purchasing information [0052]);

**the manufacturer terminal includes a product purchase information receiving means for receiving the sent product purchase information** (i.e., ... teaches a receiving product purchase information [0052]);

**and a decryption key delivery means which includes a first memory for storing a decryption key** (i.e., ... teaches delivering a decryption key ([0049] lines 41-47), and which, upon receiving the product purchase information [0052], **reads the decryption key from the first memory and delivers it to the content receiving device** [0049]);

**the content receiving devices comprising a content receiving means for**

**receiving the content sent from the encryption distribution means** (i.e., ... teaches a receiver for a content after purchase of content [0052]);

**a decryption key receiving means for receiving the decryption key delivered by the manufacturer terminal** (i.e., ... teaches delivering a decryption key ([0049] lines 41-47));

**a decryption key storage means including a second memory, and adapted for storing the received decryption key in the second memory** (i.e., ... teaches a stored decryption key [0048]);

**an input means for accepting an operation which enables use of the decryption key stored in the second memory** (i.e., ... teaches receiving content and caching content [par. 48, lines 1-5]);

**a decryption means which, upon accepting the operation from the input means, reads the decryption key from the second memory and uses it to decrypt the content received by the content receiving device** (i.e., ... teaches a decryption key being sent [par. 49, lines 41-47] .... Further teaches decryption key used to decrypt content [par. 48, lines 3-11]);

**and an audiovisual means for reproducing the content decrypted by the decryption means** (i.e., .. teaches audio or video broadcasting such that content is render a television [0055]).

6. As to claim 23, Huddelston teaches a **content distribution system comprising an information distribution device and a content receiving device which are**

**connectable with each other via a communications line [fig. 2], a consumer terminal and a manufacturer terminal which are connectable with each other via a communications line, wherein:**

**the information distribution device includes an encryption distribution means for encrypting and distributing a content (i.e., ... teaches receives information assembled into a message which is then encrypted [0052]);**

**the consumer terminal includes a product purchase information input means for accepting an input of product purchase information [0046]; and a product purchase information sending means for sending the received product purchase information to the manufacturer terminal (i.e., ..teaches sending product purchase information [0052]);**

**the manufacturer terminal includes a product purchase information receiving means for receiving the sent product purchase information (i.e., .. teaches confirming product information [par. 49, lines 41-47]);**

**and a decryption key delivery means which includes a first memory for storing a decryption key and which (par. 49, lines 41-47), upon receiving the product purchase information (par. 49, lines 41-47), reads the decryption key from the first memory and delivers it to the consumer terminal (par. 49, lines 41-47);**

**the consumer terminal includes a decryption key receiving means for receiving the decryption key delivered by the manufacturer terminal (par. 49, lines 41-47);**

**the content receiving device includes an input means for accepting an input of the decryption key received by the consumer terminal** (par. 48, lines 1-8);  
**a decryption key sending means which, upon accepting the input from the input means, sends the decryption key to the information distribution device** (i.e., .. teaches sending a decryption key [par. 49, lines 41-47]);

**the information distribution device includes a decryption means which receives the decryption key sent by the decryption key sending means and uses the received decryption key to decrypt the content distributed by the encryption distribution means** (i.e., ... teaches a decryption key being sent [par. 49, lines 41-47] .... Further teaches decryption key used to decrypt content [par. 48, lines 3-11]);

**the content receiving device includes a content receiving means for receiving the content sent by the encryption distribution means** (par. 48, lines 1-8-; and an audiovisual means for reproducing the content received by the content receiving means (i.e., .. teaches audio or video broadcasting such that content is render a television [0055]).

7. As to claim 24, Huddelston teaches a **content distribution system comprising an information distribution device and a content receiving device which are connectable with each other via a communications line** [fig. 2], a **consumer terminal and a manufacturer terminal which are connectable with each other via a communications line** [fig. 2], **where the information distribution device includes an encryption distribution means for encrypting and distributing a content** (i.e., ...

teaches receives information assembled into a message which is then encrypted [0052]);

**the consumer terminal includes a product purchase information input means for accepting an input of product purchase information [0046]; and a product purchase information sending means for sending the received product purchase information to the manufacturer terminal (i.e., ..teaches sending product purchase information [0052]);**

**the manufacturer terminal includes a product purchase information receiving means for receiving the sent product purchase information (i.e., .. teaches confirming product information [par. 49, lines 41-47]);**

**and a decryption key delivery means which includes a first memory for storing a decryption key and which [par. 49, lines 41-47], upon receiving the product purchase information (i.e., ... teaches a confirming purchase information [par. 49, lines 41-47]), reads the decryption key from the first memory and delivers it to the consumer terminal [par. 49, lines 41-47];**

**the consumer terminal includes a decryption key receiving means for receiving the decryption key delivered by the manufacturer terminal [par. 49, lines 43-47];**

**the content receiving device includes a content receiving means for receiving the content sent by the encryption distribution means [par. 48, lines 1-8]; an input means for accepting an input of the decryption key received by the consumer terminal [par. 49, lines 41-47], a decryption means which, upon**

**accepting the input from the input means, uses the decryption key to decrypt the content received by the content receiving means** [par. 48, lines 1-11], and an **audiovisual means for reproducing the content decrypted by the decryption means** (i.e., .. teaches audio or video broadcasting such that content is render a television [0055]).

8. As to claim 25, Huddelston teaches a **content distribution system comprising:**  
**an information distribution device including an encryption distribution means for encrypting and distributing via an interactive medium content created by a content holder using a budget provided by a single manufacturer or a plurality of manufacturers and a decryption means which receives a decryption key given owing to purchase of a product made by the manufacturer and decrypts the content distributed by the encryption distribution means** [0048] and [0052];  
**and a content receiving device including an input means for inputting a decryption key given owing to purchase of a product made by the manufacturer** [0049, lines 41-47], **a sending means which, after the decryption key is inputted by the input means, sends the inputted decryption key to the information distribution device** [0049, lines 41-47], **a receiving means for receiving the content sent by the information distribution device and an audiovisual means for reproducing the content received by the receiving means** (i.e., .. teaches audio or video broadcasting such that content is render a television [0055]).

9. As to claim 26, Huddelston teaches a **content distribution system comprising:**  
**an information distribution device including an encryption distribution**  
**means for encrypting and distributing content created by a content holder using**  
**a budget provided by a single manufacturer or a plurality of manufacturers** [0052];  
**and a content receiving device including a receiving means for receiving**  
**the content sent from the information distribution device** [0048, lines 1-8], **an input**  
**means for inputting a decryption key given owing to purchase of a product made**  
**by the manufacturer, a decryption means which** [0049, lines 41-47], **upon input of**  
**the decryption key from the input means, decrypts the content received by the**  
**receiving means** [0048, lines 1-8], **and an audiovisual means for reproducing the**  
**content decrypted by the decryption means** (i.e., .. teaches audio or video  
broadcasting such that content is render a television [0055]).

10. As to claim 27, Huddelston teaches a **content distribution system defined**  
**where the decryption key is given in accordance with the price of products**  
**purchased from the single or the plurality of manufacturers or the quantity of the**  
**purchased products** [0049, lines 41-47].

11. As to claim 28, Huddelston teaches a **content distribution system defined**  
**where the decryption key is given in accordance with points which are allotted in**  
**accordance with the price of a product purchased from the single manufacturer**

**or the plurality of manufacturers or the quantity of the purchased products [0049].**

12. As to claim 29, Huddelston teaches a **content distribution system defined in where the decryption key is set according to each content or to a viewable time of the content** (i.e., ... teaches a decryption key for content [0049, lines 41-47] ... further teaches usage rights. Those skill in the art would recognize usage right for placing constraints (e.g., time constraints) of on the purchased content [0051]).

13. As to claim 30, Huddelston teaches a **content distribution system defined where the decryption key given according to a specific product purchased from the single or the plurality of manufacturers is allowed to be used only for decrypting a specific content** [0049, lines 41-47].

14. As to claim 31, Huddelston teaches a **content distribution system defined the decryption key given in advance owing to product purchase is allowed to be used when the selling quantity of products made by the manufacturer exceeds a certain value** [0051].

15. As to claim 32, Huddelston teaches a **content distribution system defined where the decryption key is given to a winner of a lottery held at the time of purchasing products from the single manufacturer or the plurality of manufacturers** [0052].

16. As to claim 34, Huddelston teaches a **content distribution system defined the decryption key is given in accordance with information sent to manufacturers, which information comprises requests related to products purchased from the single manufacturer or the plurality of manufacturers, impressions after using the products, recommended price** (i.e., ... teaches a providing a decryption key [0049, lines 41-47] .. further teaches a product purchase request [0049] ... teaches a price of content [0051]).

17. As to claim 35, Huddelston teaches a **content distribution system defined where the decryption key is given in accordance with information sent to manufacturers, which information comprises buyer's age, sex, purchasing motive** (i.e., ... teaches a providing a decryption key [0049, lines 41-47] ... teaches information sent (i.e., **purchase motive**) [0049]).

18. As to claim 36, Huddelston teaches a **content distribution system where the decryption key is given in accordance with information including preferences for certain content or for viewing time which is sent to the content holder that has the information distribution device** [0051].

19. As to claim 37, Huddelston teaches a **content distribution method comprising: an encryption distribution step of encrypting and distributing via an**

**interactive medium content made by a content holder using a budget provided by a single manufacturer or a plurality of manufacturers;**

**an input step of inputting a decryption key given owing to purchase of a product made by the manufacturer [0049, lines 41-47];**

**a sending step of sending, upon input of the decryption key in the input step, the inputted decryption key [0049, lines 41-47];**

**a determination step for receiving the decryption key sent in the sending step and determining whether the received decryption key is appropriate or not [0049, lines 41-47];**

**a decryption step for decrypting, in case it was determined in the determination step that the decryption key is appropriate, the content distributed in the encryption distribution step [0049, lines 41-47];**

**a receiving step of receiving the content sent in the encryption distribution step (i.e., ... teaches receives information assembled into a message which is then encrypted [0052]);**

**and a viewing step of reproducing the content received in the receiving step (i.e., .. teaches viewing capability [0046, lines 12-19])..**

20. As to claim 38, Huddelston teaches a **content distribution method comprising: an encryption distribution step of encrypting and distributing a content made by a content holder using a budget provided by a single manufacturer or a plurality of manufacturers; a receiving step of receiving the**

**content sent in the encryption distribution step (i.e., ... teaches receives information assembled into a message which is then encrypted [0052]);**

**an input step of inputting a decryption key given owing to purchase of a product made by the manufacturer [0049, lines 41-47];**

**a decryption step of decrypting, upon inputting the decryption key in the input step, the content received in the receiving step [0049, lines 41-47];**

**and a viewing step of reproducing the content decrypted in the decryption step (i.e., .. teaches viewing capability [0046, lines 12-19]).**

21. As to claim 39, Huddelston teaches a **content receiving device for receiving and reproducing a content created by a content holder using a budget provided by a single manufacturer or a plurality of manufacturers, comprising:**

**an input means for inputting a decryption key given owing to purchase of a product made by the manufacturer [0049, lines 41-47];**

**a sending means for sending, upon input of the decryption key by the input means, the inputted decryption key to the content holder [0049, lines 41-47];**

**a receiving means for receiving the content that the content holder decrypts using the received decryption key and sends [0049, lines 41-47];**

**and a viewing means for reproducing the content received by the receiving means (i.e., .. teaches viewing capability [0046, lines 12-19]).**

**22.** As to claim 40, Huddelston teaches a **content receiving device for receiving and reproducing decrypted content originally created by a content holder using a budget provided by a single manufacturer or a plurality of manufacturers, comprising:**

**a receiving means for receiving the content** (i.e., .. teaches receiving the content [0048, lines 1-8]);

**an input means for inputting a decryption key given owing to purchase of a product made by the manufacturer** [0049, lines 41-47];

**a decryption means for decrypting, upon input of the decryption key by the input means, an encryption of the content received by the receiving means by use of the decryption key** [0049, lines 41-47];

**and a viewing means for reproducing the content decrypted by the decryption means** (i.e., .. teaches viewing capability [0046, lines 12-19]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

23. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huddelston in view of Kuranuchi (US Patent Publication No. 2002/0199201).

24. As to claims 33, the system disclose by Huddelston shows substantial features of the claimed invention (discussed in the paragraphs above), It fails to disclose:

**A content distribution system defined where the content distributed by the information distribution device is content which was created for private television broadcast by adding commercial messages, but the commercial messages have been removed (claim 33).**

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Huddelston as introduced by Kuranuchi.

Kuranuchi discloses:

**A content distribution system defined where the content distributed by the information distribution device is content which was created for private**

**television broadcast by adding commercial messages, but the commercial messages have been removed** (claim 33) (for purposes of content distribution Kuranuchi provides the capability to remove commercial [claim 20]).

Therefore, given the teachings of Kuranuchi, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Huddelston by employing the well known features of commercial removal disclosed above by Kuranuchi, for which content distribution will be enhanced [claim 20].

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/  
Examiner, Art Unit 2131  
/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2131